



EC-2002-0-30  
II-A-029

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 11 1997

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

Mr. Alexander Jansen, Deputy Executive Director  
Engineering & Maintenance  
Pennsylvania Turnpike Commission  
Commonwealth of Pennsylvania  
P.O. Box 67676  
Harrisburg, Pennsylvania 17106-7676

Re: File No. AED/MSEB - 4729

NOTICE OF VIOLATION OF THE CLEAN AIR ACT AND  
REQUEST FOR INFORMATION PURSUANT TO SECTION 114 OF THE  
CLEAN AIR ACT

Dear Mr. Jansen:

On February 4, 1997, authorized representatives of the U.S. Environmental Protection Agency ("EPA") conducted an inspection of the Pennsylvania Turnpike Commission's Quakertown Maintenance Yard, located at 1800 John Fries Highway, Route 663, Quakertown, Pennsylvania 18951. The inspection was conducted to determine compliance with section 211(k) of the Clean Air Act ("Act"), 42 U.S.C. § 7545(k), and the regulations issued thereunder (40 C.F.R. part 80, subpart D). Where inappropriate fuels are used in internal combustion engines, the emissions of harmful gases can increase significantly. Notwithstanding improvements in vehicle emission controls, emissions from motor vehicles continue to make up a very large portion of all air pollution. Congress has established a program of improvement and regulation of fuels to protect our air quality from unnecessary pollution associated with the misfueling of vehicles.

The applicable regulations provide that no person may manufacture and sell or distribute, offer for sale or distribution, dispense, supply, offer for supply, store, transport, or cause the transportation of any gasoline represented as reformulated and intended for sale or use in any covered area unless such gasoline meets the applicable standards specified in 40 C.F.R. § 80.41. This law also subjects violators to a maximum civil penalty of \$25,000 per day for each violation in addition to recovery of the amount of the economic benefit or savings resulting from the violation.

As a result of the inspection, EPA has determined that the Quakertown Maintenance Yard which is located in a VOC Control Region 2 covered area was using conventional gasoline instead of the required reformulated gasoline. The Quakertown Maintenance Yard also represented on its gasoline pump that the gasoline was reformulated. However, a sample of gasoline taken from the pump had an oxygen content of .31 wt. percent in violation of the minimum 1.5 wt. percent standard. In addition, bills of lading indicated that during June 1 through September 15, 1996 the Quakertown Maintenance Yard failed to use gasoline that complied with the Rvp standard for a VOC-Control Region 2 covered area. As a wholesale purchaser-consumer who supplied, stored, transported, or caused the transportation of any gasoline which is in the storage tank containing gasoline found to be in violation, the Pennsylvania Turnpike Commission is liable for multiple days of violation for two (2) violations of 40 C.F.R. § 80.78(a)(1) pursuant to 40 C.F.R. § 80.79(a)(1).

Sections 211 and 205 of the Act, 42 U.S.C. §§ 7545 and 7524, authorize the Administrator of EPA to assess a civil penalty of up to \$25,000 for every day of each violation and the economic benefit or savings resulting from the violation. In determining the appropriate penalty for the noticed violation, we consider the gravity of the violation, the economic benefit or savings (if any) resulting from the violation, the size of your business, your history of compliance with the Clean Air Act, actions taken by you to remedy the violation and to prevent recurrence of further violations, the effect of the penalty on your ability to continue in business and such other matters as justice may require.

We believe it is in your interest to demonstrate that remission or compromise of the penalty amount is appropriate. However, in order to assist us in developing the appropriate penalty and settlement positions, we have prepared the enclosed Request for Information. Under the law you are required to submit this information or be subject to additional penalties and other sanctions above and beyond those assessed for the fuel violation identified in this Notice. In addition, if you do not submit this information in a timely manner, we will be forced to make assumptions with regard to the factors to consider in determining the appropriate amount of civil penalty which may not be in your interest or whether remission or compromise of the civil penalty amount is appropriate.

We encourage early settlement of such matters. The settlement process provides substantial flexibility for reducing the proposed penalty, particularly if the alleged violation is corrected promptly. If we cannot settle this matter promptly, we reserve the right to file an administrative complaint or refer this matter to the United States Department of Justice with a recommendation to file a civil complaint in federal district court.

The EPA attorney designated below has been assigned to this case. All information should be sent to the case attorney. Please contact this attorney regarding the Notice of Violation and Request for Information.

Jocelyn L. Adair, Attorney  
U.S. Environmental Protection Agency  
Mobile Sources Enforcement Branch (2242-A)  
Air Enforcement Division  
401 M Street, S.W.  
Washington, D.C. 20460  
Phone number: (202) 564-1011

Please let me once again emphasize that while we take our obligation to enforce these requirements seriously, we will make every effort to reach an equitable settlement in this matter.

Sincerely yours,

*Bruce C. Buckheit*  
Bruce C. Buckheit, Director  
Air Enforcement Division

Enclosure

Enclosure

REQUEST FOR INFORMATION PURSUANT TO SECTION 114 OF THE  
CLEAN AIR ACT, 42 U.S.C. § 7414

Re: File No. AED/MSEB - 4729

Section 114(a) of the Act, 42 U.S.C. § 7414(a), provides that "the Administrator may require any person.... who is subject to any requirement of this Act ...to make such reports ... and provide such other information, as the Administrator may reasonably require." Respondent is subject to the requirements and prohibitions of the reformulated gasoline ("RFG") and anti-dumping requirements of section 211(k) of the Act, 42 U.S.C. § 7545(k) and thereby is also subject to the informational requirements of section 114(a) of the Act.

Pursuant to the authority contained in section 114 of the Act, 42 U.S.C. § 7414, provide the following information for the Pennsylvania Turnpike Commission ("Commission"):

1. Provide a comprehensive description of the Commission, and its purpose and function, key personnel, operations, and budget from 1995 to the present time.

2. Provide a complete list and full description of all motor vehicles fueled at the Quakertown Maintenance Yard. The description of the vehicle should include the manufacturer's vehicle identification number ("VIN"), the make and model year of vehicle, license plate number, any company identification number, and the type of fuel used to operate the vehicle.

3. For the period January 1995 to the present time, provide the following information:

(a) The name, address, and position of all key personnel responsible for contracting, ordering, or arranging for the transportation and supply of gasoline to the Commission.

(b) Provide bills of lading and/or product transfer documents that show the following: (i) the name and address of the transferor; (ii) the name and address of the transferee; (iii) the volume of gasoline which is being transferred; (iv) the location of the gasoline at the time of the transfer; (v) the date of the transfer; and (vi) the identification of the gasoline.

(c) A complete description of the Quakertown facility, including, an identification of each tank and its use.

4. Any and all other information indicating that remission or compromise of the civil penalty is appropriate. You may elect to provide a statement of the cause of the violation, if known, and any mitigating factors you desire to bring to our attention.

The response to this request shall be full, complete, and to the best of your knowledge. A reply which is false, misleading, or made without regard to its veracity is, in our judgment, equivalent to a refusal to submit information. In order for us to proceed expeditiously with our enforcement docket, your response must be submitted within fifteen days after the date of this letter. If you encounter difficulty in responding to this request within this time frame, please contact the case attorney identified herein. Absent a written extension of the required response date, your failure to respond by the date set forth may lead to immediate enforcement action and a lost opportunity for early settlement of this matter. EPA's enforcement options include the issuance of a compliance order by the Administrator under section 113(a) of the Act, or the filing of a civil action seeking a permanent or temporary injunction, or a civil penalty of not more than \$25,000 per day of violation, or both, under section 113(b) of the Act. Please be aware that a knowing or willful submission of false, fictitious, or fraudulent statements or representations may subject you to possible criminal liability for filing false statements.

Pursuant to EPA regulations appearing at 40 C.F.R. Part 2, you are entitled to assert a confidentiality claim covering any part of the submitted information. If you do not assert such a claim, the submitted information may be available to the public without further notice. Information subject to a business confidentiality claim may be made available to the public only to the extent set forth in the above cited regulations.